

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD FOLKNER,  
Petitioner,

v.

Civil Action No. 06-47

HARRY WILSON, et al.,

Judge David S. Cercone  
Magistrate Judge Lisa Pupo Lenihan

Respondents.

**MEMORANDUM ORDER**


The above-captioned Petition was received by the Clerk of Court on January 12, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Document No. 5), filed on February 28, 2006, recommended the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 be transferred to the Federal District Court for the Eastern District of Pennsylvania. Service was made on the Petitioner at SCI Fayette, 50 Overlook Drive, LaBelle, PA 15450-1050, and on counsel of record for the Respondents, Scott A. Bradley, Esquire.<sup>1</sup> The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. Neither party filed

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<sup>1</sup> Subsequent to the issuance of the Report and Recommendation, William W. Matz, Jr., Esquire, entered his appearance on behalf of the District Attorney's Office of Northampton County.

objections to the Report and Recommendation. Moreover, the Respondents have stated that that they have no objection to the recommendation that this case be transferred. (Document No. 6 at 1 n.1). After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

  
**AND NOW**, this 26 day of May, 2006;

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is transferred to the Eastern District of Pennsylvania.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Document No. 5) of Magistrate Judge Lenihan, dated February 28, 2006, is adopted as the opinion of the court.

  
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The Honorable David S. Cercione  
United States District Court Judge

cc: Lisa Pupo Lenihan  
UNITED STATES MAGISTRATE JUDGE

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